

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSE ENRIQUEZ CRUZ,  
Plaintiff

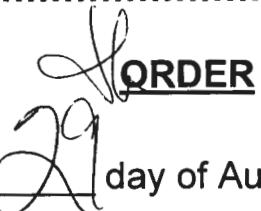
: No. 3:21cv283

v.

: (Judge Munley)

CITY OF POTTSVILLE, et al.,  
Defendants

: (Magistrate Judge Carlson)

 ORDER

AND NOW, to wit, this 29 day of August 2024, for the reasons set forth in the accompanying memorandum, it is hereby ORDERED as follows:

After a careful review, the court finds neither a clear error on the face of the record nor a manifest injustice, and therefore, the court shall adopt the report and recommendation. It is hereby ORDERED as follows:

- 1) The magistrate judge's report and recommendation (Doc. 108) is **ADOPTED** and the plaintiff's objections (Doc. 112) are **OVERRULED**;
- 2) The defendants' motion for summary judgment (Doc. 92) is **GRANTED** with regard to plaintiff's Fourth Amendment claims for false arrest, false imprisonment, and malicious prosecution;
- 3) The court declines to exercise jurisdiction over the plaintiff's remaining state law claims of assault, battery, and negligence; and

4) The Clerk of Court is directed to **CLOSE** this case in this court without prejudice to the plaintiff pursuing his state law claims of assault, battery, and negligence in an appropriate state court.

**BY THE COURT:**

**JUDGE JULIA K. MUNLEY**  
**United States District Court**